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possession will be taken. Said board of supervisors shall cause a copy of such resolution to be filed in the county clerk's office of the county in which such property is situate, and notice of the adoption thereof, with a copy of the resolution and of its intention to take possession of the premises therein described on a day certain, also therein named, to be served, either personally or by mail, upon the owner or owners of, and persons interested in such real property, at least five days prior to the day fixed in such resolution for taking possession. From the time of the service of such notice the entry upon and appropriation by the county of the real property therein described for the purposes provided for by this act, shall be deemed complete, and such notice so served shall be conclusive evidence of such entry and appropriation and of the quantity and boundaries of the lands appropriated. The board of supervisors may cause a duplicate copy of such papers so served, with an affidavit of due service thereof on such owner or person interested, to be recorded in the books used for recording deeds in the office of the county clerk of its county, and the record of such notice and such proof of service shall be prima facie evidence of the due service thereof. Compensation for property thus acquired shall be made in such condemnation proceeding.

2. Erect all necessary buildings and alter any buildings on the property when acquired for the use of said hospital, provided that the plans for such erection or alteration shall first be approved by the State commissioner of health.

3. Cause to be assessed, levied, and collected such sums of money as it shall deem necessary for suitable lands, buildings, and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures therefor; and to borrow money for the erection of such hospital and for the purchase of a site therefor on the credit of the county, and issue county obligations therefor, in such manner as it may do for other county purposes.

4. Appoint a board of managers for said hospital as hereinafter provided.

5. Accept and hold in trust for the county, any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

SEC. 2. Section 47 of such chapter as added by chapter 341 of the laws of 1909, and amended by chapters 40 and 379 of the laws of 1913, is hereby amended by adding thereto a new subdivision, to be subdivision 9, to read as follows:

"9. Shall have authority to employ a county nurse or nurses for the discovery of tuberculosis cases and for the visitation of such cases and of patients discharged from the hospital and for such other duties as may seem appropriate; and may cause to be examined by the superintendent or one of his medical staff suspected cases of tuberculosis reported to it by the county nurse or nurses or by physicians, teachers, employers, heads of families, or others; and to take such other steps for the care, treatment, and prevention of tuberculosis as it may from time to time deem wise."

Drugs, Habit-Forming, Sale of—Commitment of Habitual Drug Users. (Chap. 363, Act Apr. 14, 1914.)

SECTION 1. Chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," is hereby amended by adding after article 11 a new article, to be article 11a thereof, to read as follows:

ART. 11a.—*Habit-forming drugs.*

SEC. 245. *Sale prohibited—Exception.*—No pharmacist, druggist, or other person shall sell, have, or offer for sale or give away any chloral, opium or any of its salts, alkaloids, or derivatives, or any compound or preparation of any of them, except upon the written prescription of a duly licensed physician, veterinarian, or dentist: *Provided*, That the provisions of this article shall not apply to the sale of domestic and proprietary

remedies actually sold in good faith as medicines and not for the purpose of evading the provisions of this article: *And provided further*, That such remedies and preparations do not contain more than 2 grains of opium, or one-fourth grain of morphine or one-fourth grain of heroin or 1 grain of codeine or 10 grains of chloral or their salts in 1 fluid ounce or, if a solid preparation, in 1 avoirdupois ounce, nor to plasters, liniments, and ointments for external use only.

SEC. 246. *Prescriptions—Certificates.*—It shall be unlawful for any person to sell at retail or give away any of the drugs, their salts, derivatives or preparations mentioned in section 245 of this chapter except as herein provided without first receiving a written prescription signed by a duly licensed physician, veterinarian, or dentist. The prescription must contain substantially the following: The name in full of the physician, veterinarian, or dentist issuing such prescription, his office address, his office hours, and telephone, and the name, age, and address of the person to whom and date on which such prescription is issued. It shall be unlawful for any duly licensed physician, veterinarian, or dentist to issue any such prescription containing any of the drugs, their salts, derivatives, or preparations mentioned in section 245 of this chapter except after a physical examination of any person for the treatment of disease, injury, or deformity. It shall be unlawful for any person to sell at retail any of the drugs or preparations of any of those mentioned in section 245 of this article without first verifying the authority of any prescription containing more than 4 grains of morphine, 30 grains of opium, 2 grains of heroin, 6 grains of codeine or 4 drams of chloral. Such verification can be made by telephone or otherwise. Such prescription so received shall be filled out at the time of receiving the same for the full quantity prescribed and no prescription so received shall be filled out more than 10 days after the date which said prescription be dated. Such prescription, from which no copy shall be taken, shall be retained by the person who dispenses the same and shall be filled but once. Such prescription shall be kept on the general prescription file and given a regular consecutive number on such file. On such prescription shall be inscribed the name and address of the purchaser making such purchase and the date upon which said sale is made.

Any person who sells at retail, furnishes, or dispenses any of the drugs mentioned in section 245 of this chapter upon a written prescription by a duly registered physician or veterinarian or dentist shall, at the time of dispensing the same, place upon the package a label or deliver therewith a certificate stating the name and address of the person selling or furnishing the same, the name and address of the physician, veterinarian, or dentist upon whose prescription such sale is made, the date of sale, and the name of the person to whom such sale is made. Any person, other than a manufacturer of any of the drugs mentioned in section 245 or a wholesale dealer in drugs or a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian, or a licensed dentist, who shall possess any of the drugs mentioned in section 245 or their salts, derivatives, or preparations, shall be guilty of a misdemeanor, unless said possession is authorized by the certificate described in this section. Nothing herein contained shall be construed to prohibit the sale of any of such drugs by any manufacturing pharmacists or chemists or wholesale or retail pharmacists or druggists, or to hospitals, colleges, scientific or public institutions, except that such sales shall be made in the manner provided in the next succeeding section.

SEC. 247. *Order blanks—Filing.*—The State commissioner of health shall prepare and furnish to all boards of health or officers official order blanks, serially numbered in duplicate, bound in book form, with carbon or transfer paper between the duplicate pages. The said official order shall be furnished by the local health board or officer to any local, duly licensed physician, dentist, pharmacist, druggist, or veterinarian, upon which must be written all orders for the purchase of any of the drugs enumerated in

section 245 of this chapter for the use of such physician, dentist, pharmacist, druggist, or veterinarian. It shall be unlawful for any person to sell, furnish, or dispose to any physician, pharmacist, druggist, veterinarian, or dentist any of the drugs enumerated in section 245 of this chapter without first receiving from such physician, druggist, veterinarian, or dentist an official order blank as provided in this section, which official orders shall be retained by the person or corporation who sells, furnishes, or dispenses any of the drugs enumerated in section 245 of this chapter, and such official order shall be kept in a separate file or book and an entry made or caused to be made on the order stating the date of sale, the name and address of the purchaser, and the name of the person making such sale.

SEC. 248. *Physicians, etc., to keep records.*—All physicians, druggists, pharmacists, veterinarians, and dentists shall keep on record the name and address of each person to whom such physician, dentist, or veterinarian administers or disposes in any way whatsoever any of the drugs enumerated in section 245 of this chapter, and the quantity so administered, disposed of or given away. Such record shall be preserved for five years and shall always be open for inspection by the proper authorities. Any violation of this section is hereby declared to be a misdemeanor.

SEC. 249. *Hypodermic syringe, sale of—Record—Penalty.*—It is unlawful for any person to sell at retail or to furnish to any person, other than a duly licensed physician, dentist, or veterinarian, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, without the written order of a duly licensed physician or veterinarian. Every person who disposes of or sells at retail, or furnishes or gives away to any person, either of the above instruments, upon the written order of a duly licensed physician or veterinarian, shall, before delivering the same, enter in a book kept for that purpose the date of the sale, the name and address of the purchaser, and a description of the instrument sold, disposed of, furnished, or given away. Any person or persons who sell, dispose of, or give away an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, except in the manner prescribed in this section, shall be guilty of a misdemeanor.

SEC. 249a. *Commitment of habitual drug users—Procedure—Discharge.*—The constant use by any person of any habit-forming drug, except under the direction and consent of a duly licensed physician, is hereby declared to be dangerous to the public health. Whenever a complaint shall be made to any magistrate that any person is addicted to the use of any habit-forming drug, without the consent or direction of a duly licensed physician, such magistrate, after due notice and hearing, is satisfied that the complaint is founded and that the person is addicted to the use of a habit-forming drug, shall commit such person to a State, county, or city hospital or institutions licensed under the State lunacy commission. Whenever the chief medical officer of such institution shall certify to any magistrate that any person so committed has been sufficiently treated or give any other reason which is deemed adequate and sufficient, he may discharge the person so committed. Every person committed under the provisions of this section shall observe all the rules and regulations of the institution or hospital. Any such person who willfully violates the rules and regulations of the institution or repeatedly conducts himself in a disorderly manner may be taken before a magistrate by the order of the chief medical officer of the institution. The chief medical officer may enter a complaint against such person for disorderly conduct and the magistrate, after a hearing and upon due evidence of such disorderly conduct, may commit such person for a period of not to exceed six months to any institution to which persons convicted of disorderly conduct or vagrancy may be committed, and such institution shall keep such persons separate and apart from the other inmates, provided that nothing in this section shall be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the evidence in which this commitment was made.

SEC. 249b. *Revocation of licenses.*—Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, or registered nurse may be revoked by the proper officers or boards having power to issue licenses to any of the foregoing upon proof that the licensee is addicted to the use of any habit-forming drug or drugs after giving such licensee reasonable notice and opportunity to be heard. Whenever it shall appear after one year from date of revocation of such license that such licensee has fully recovered and is no longer an addict to any of the drugs herein prohibited, such board may grant a rehearing and in its discretion reissue the license of such licensee.

SEC. 249c. *Revocation of license after conviction.*—Whenever any physician, dentist, veterinarian, pharmacist, or registered nurse is convicted in a court having jurisdiction of any of the violations of this article, any officer or board having power to issue licenses to any such physician, dentist, veterinarian, pharmacist, or registered nurse may, after giving such licensee reasonable notice and opportunity to be heard, revoke the same.

SEC. 249d. *Penalties.*—Any violation of any of the provisions of this article shall be deemed a misdemeanor. Nothing contained in this article shall be construed to amend or repeal section 1746 of the penal law.

SEC. 2. This act shall take effect July 1, 1914.